

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

NEWBRIDGE SECURITIES CORPORATION,

Plaintiff,

v.

GENEREX BIOTECHNOLOGY CORPORATION,

Defendant.

:
:
:
: Civil Action No. 1:08-cv-02962
: (RJS/DCF)
:
:
:
:
:
:
:
:

NOTICE OF AND PETITION FOR REMOVAL

**TO THE HONORABLE CHIEF JUDGE AND JUDGES OF THE UNITED STATES
DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK**

Defendant GENEREX BIOTECHNOLOGY CORPORATION, by its undersigned counsel, hereby files this Notice of and Petition for Removal of this action from the Supreme Court of New York, New York County, to the United States District Court for the Southern District of New York, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446 and, in support thereof, avers as follows:

1. As appears from the docket, files and records of the Clerk of the Supreme Court, New York County, the above-captioned action was commenced by the filing of Complaint on or about February 15, 2008.
2. On February 22, 2008, plaintiff served defendant with copies of a Summons and Complaint through the Corporation Trust Corporation (*a true and correct copy of the Service of Process Transmittal, Summons and Complaint is attached as Exhibit "A"*).

3. No further proceedings have been had in the Supreme Court of New York, New York County, in connection with the above-captioned action.

DIVERSITY OF CITIZENSHIP EXISTS

4. As alleged in the complaint, plaintiff is a corporation organized under the laws of the Commonwealth of Virginia with its principal place of business in Broward County, Florida. See Complaint at ¶ 2.
5. Defendant is a corporation organized and existing under the laws of Delaware with its principal place of business located in Toronto, Canada.
6. This Court has original jurisdiction of the above-entitled action, pursuant to 28 U.S.C. § 1332, and the action may therefore be removed to this Court pursuant to 28 U.S.C. § 1441(b).

THE AMOUNT OF CONTROVERSY EXCEEDS \$75,000

7. This is a breach of contract action in which plaintiff's complaint seeks "[i]n excess of \$580,000." See Complaint at Ad Dandum clause.
8. Based on that allegation, the amount in controversy in this action, exclusive of interest and costs, exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00).

REMOVAL IS TIMELY

9. This Notice of and Petition for Removal is filed within thirty (30) days of the receipt of the Summons and Complaint in this action served upon defendant.

COMPLIANCE WITH 28 USC § 1446

10. A true and correct copy of this Notice of Removal will be filed with the Clerk of the Supreme Court of New York, New York County, as provided by 28 U.S.C. § 1446.
11. Written notice of the filing of this Notice of Removal will be served upon plaintiff

through its counsel of record.

WHEREFORE, Defendant GENEREX BIOTECHNOLOGY CORPORATION prays for removal of the above-captioned action from the Supreme Court of New York, New York County, to the United States District Court for the Southern District of New York.

Dated: White Plains, New York
March 21, 2008

Respectfully submitted,

Eckert Seamans Cherin & Mellott, LLC

/s/
Steven R. Kramer, Esq. (SRK 2097)
10 Bank Street, Suite 1061
White Plains, New York 10601
(914) 949-2909

*Attorneys for Defendant
Generex Biotechnology Corporation*

To: George F. Meierhofer, Esq.
Becker & Poliakoff, LLP
Attorneys for Plaintiff
45 Broadway, 11th Floor
New York, New York 10006
(212) 599-3322

CERTIFICATE OF SERVICE

I, Steven R. Kramer, Esquire, hereby certify that on March 21, 2007, I caused a true and correct copy of the foregoing Notice of and Petition for Removal to be served upon the following counsel of record via First Class United States mail::

George F. Meierhofer, Esq.
BECKER & POLIAKOFF, LLP
45 Broadway, 11th Floor
New York, New York 10006
(212) 599-3322

(Attorneys for Plaintiff)

Steven R. Kramer, Esquire (SRK 2097)